

REMARKS

In the present Amendment, original claims 1, 4 and 6 have been combined. Accordingly, claims 4 and 6 have been cancelled. Consistent with the amendments to claim 1, claim 2 has been amended to refer to an “ink set”, rather than an ink per se. Section 112 support for this amendment may be found, for example, in original claim 6. Claims 3 and 5 have been cancelled. New claim 7 has been added. Section 112 support for claim 7 may be found, for example, at page 61 of the specification. No new matter has been added, and entry of the Amendment is respectfully requested.

Upon entry of the Amendment, claims 1-2 and 7 will be pending.

Response to Obviousness-Type Double Patenting Rejections

In Paragraph No. 3 of the Action, claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, 5 and 7 of co-pending Application No. 10/714,845 (US 2004/0094064).

In Paragraph No. 4 of the Action, claims 1-5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, 4, 7, 9, 14 and 15 of co-pending Application No. 10/503,764 (US 2005/0219339).

In Paragraph No. 5 of the Action, claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 8-10, 13, 15, 20, 21 and 24 of co-pending Application No. 10/503,894 (US 2005/0178288).

In Paragraph No. 6 of the Action, claims 1-5 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-4, 7, 9, 14 and 15 of co-pending Application No. 10/504,029 (US 2005/0117006).

In Paragraph No. 7 of the Action, claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3 and 6 of co-pending Application No. 10/404,435 (US 2003/0210310).

In Paragraph No. 8 of the Action, claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 6 and 7 of co-pending Application No. 10/806,453 (US 2004/0187734).

In Paragraph No. 9 of the Action, claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1, 3, 5 and 7 of co-pending Application No. 10/714,845 (US 2004/0094064).

In Paragraph No. 10 of the Action, claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1 and 3-6 of co-pending Application No. 10/645,795 (US 2004/0050291).

In Paragraph No. 11 of the Action, claims 1-6 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-3 and 7-9 of co-pending Application No. 10/645,797 (US 2004/0053988).

It is noted that all of the above rejections are provisional. Accordingly, Applicants defer responding to these provisional obviousness-type double patenting rejections at the present time.

Applicants intend to address the provisional rejections when either the present application or the “reference” applications are otherwise in condition for allowance.

Response to Claim Rejections under 35 U.S.C. § 102

In Paragraph No. 13 of the Action, claims 1-6 are rejected under 35 U.S.C. §102(a) as allegedly being anticipated by EP 1,384,762.

EP ‘762 was published on January 28, 2004, which is later in time than Applicants’ first priority date of March 27, 2003. To perfect their claim to priority and remove EP ‘762 as a reference, Applicants submit herewith a sworn English translation of their first priority document, JP 2003-089019. Section 112 support for the present claims in the priority document is as shown in the following chart:

| Present Claim | Support in Priority Document |
|---------------|------------------------------|
| 1 | Claims 1 and 2 |
| 2 | Paragraph [0018] |
| 7 | Paragraphs [0119] to [0122] |

In view of the above, withdrawal of the rejection based on EP ‘762 is respectfully requested.

In Paragraph No. 14 of the Action, claims 1-5 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by EP 0,985,716.

Applicants submit that this rejection should be withdrawn because EP ‘716 does not disclose or render obvious the ink set of the present invention.

Although EP '716 may disclose a phthalocyanine dye within the scope of present Formula (2), EP '716 does not disclose or suggest an ink set in which each of the inks contained in the ink set satisfy all the requirements of the present claims.

In view of the above, reconsideration and withdrawal of the § 102(b) rejection based on EP '716 are respectfully requested.

In Paragraph No. 15 of the Action, claims 1-6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Wachi US 2003/0210310.

US '310 was filed on April 2, 2003 and was published on November 13, 2003. These dates are later in time than Applicants' first priority date of March 27, 2003. To perfect their claim to priority and remove US '310 as a reference, Applicants submit herewith a sworn English translation of their first priority document, JP 2003-089019. Section 112 support for the present claims in the priority document is as shown in the above chart.

In view of the above, withdrawal of the rejection based on US '310 is respectfully requested.

In Paragraph No. 16 of the Action, claims 1-6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Ozawa et al US 2004/0187734.

US '734 was filed on March 23, 2004, which is later in time than Applicants' first priority date of March 27, 2003. To perfect their claim to priority and remove US '734 as a reference, Applicants submit herewith a sworn English translation of their first priority document, JP 2003-089019. Section 112 support for the present claims in the priority document is as shown in the above chart.

In view of the above, withdrawal of the rejection based on US '734 is respectfully requested.

In Paragraph No. 17 of the Action, claims 1-6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Raguchi et al US 2004/0050291.

US '291 was filed on August 22, 2003 and published on March 18, 2004. These dates are later in time than Applicants' first priority date of March 27, 2003. To perfect their claim to priority and remove US '291 as a reference, Applicants submit herewith a sworn English translation of their first priority document, JP 2003-089019. Section 112 support for the present claims in the priority document is as shown in the above chart.

In view of the above, withdrawal of the rejection based on US '291 is respectfully requested.

In Paragraph No. 18 of the Action, claims 1-6 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Taguchi et al US 2004/0053988.

US '988 was filed on August 22, 2003 and published on March 18, 2004. These dates are later in time than Applicants' first priority date of March 27, 2003. To perfect their claim to priority and remove US '988 as a reference, Applicants submit herewith a sworn English translation of their first priority document, JP 2003-089019. Section 112 support for the present claims in the priority document is as shown in the above chart.

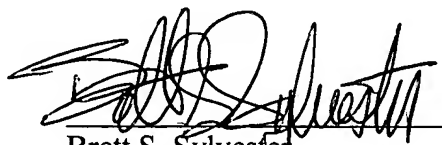
In view of the above, withdrawal of the rejection based on US '988 is respectfully requested.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No.: 10/809,550

Allowance is respectfully requested. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Brett S. Sylvester", written over a horizontal line.

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